

To: Northridge, Michael[Northridge.Michael@epa.gov]
Cc: Kulpan, Bruce[Kulpan.Bruce@epa.gov]; Lammie, Benjamin[Lammie.Benjamin@epa.gov];
Smith-Watts, David[Smith-Watts.David@epa.gov]
From: Dixon, Douglas
Sent: Thur 11/19/2015 5:09:37 PM
Subject: RE: Update re: GKM Access

Attorney Client/Ex. 5

From: Northridge, Michael
Sent: Thursday, November 19, 2015 11:56 AM
To: Lammie, Benjamin <Lammie.Benjamin@epa.gov>; Dixon, Douglas
<Dixon.Douglas@epa.gov>; Smith-Watts, David <Smith-Watts.David@epa.gov>
Cc: Kulpan, Bruce <Kulpan.Bruce@epa.gov>
Subject: RE: Update re: GKM Access

Doug,

Attorney Client/Ex. 5

Attorney Client/Ex. 5

From: Lammie, Benjamin
Sent: Thursday, November 19, 2015 11:23 AM
To: Dixon, Douglas <Dixon.Douglas@epa.gov>; Northridge, Michael <Northridge.Michael@epa.gov>; Smith-Watts, David <Smith-Watts.David@epa.gov>
Cc: Kulpan, Bruce <Kulpan.Bruce@epa.gov>
Subject: RE: Update re: GKM Access

Attorney Client/Ex. 5

From: Dixon, Douglas
Sent: Thursday, November 19, 2015 8:57 AM
To: Northridge, Michael <Northridge.Michael@epa.gov>; Smith-Watts, David <Smith-Watts.David@epa.gov>
Cc: Kulpan, Bruce <Kulpan.Bruce@epa.gov>; Lammie, Benjamin <Lammie.Benjamin@epa.gov>
Subject: RE: Update re: GKM Access

Attorney Client/Ex. 5

From: Northridge, Michael
Sent: Wednesday, November 18, 2015 6:34 PM
To: Dixon, Douglas <Dixon.Douglas@epa.gov>; Smith-Watts, David <Smith-Watts.David@epa.gov>
Cc: Kulpan, Bruce <Kulpan.Bruce@epa.gov>; Lammie, Benjamin <Lammie.Benjamin@epa.gov>
Subject: Update re: GKM Access

Doug and David,

Attorney Client/Ex. 5

From: Northridge, Michael
Sent: Wednesday, November 18, 2015 1:46 PM
To: Sisk, Richard <Sisk.Richard@epa.gov>
Cc: Bohan, Suzanne <bohan.suzanne@epa.gov>; Madigan, Andrea <Madigan.Andrea@epa.gov>; Hess, Stephen <Hess.Stephen@epa.gov>; Michaud, John <Michaud.John@epa.gov>; Dixon, Douglas <Dixon.Douglas@epa.gov>; Smith-Watts, David <Smith-Watts.David@epa.gov>
Subject: RE: Access

Confidential and privileged

Richard,

Attorney Client/Ex. 5

Attorney Client/Ex. 5

I hope this is clear and helpful. Please feel free to contact me or my colleagues if you have any questions about this. I appreciate you keeping me updated on the status of your efforts to secure access.

Mike

From: Sisk, Richard

Sent: Tuesday, November 17, 2015 5:45 PM

To: Michaud, John <Michaud.John@epa.gov>; Hess, Stephen <Hess.Stephen@epa.gov>

Cc: Northridge, Michael <Northridge.Michael@epa.gov>; Bohan, Suzanne <bohan.suzanne@epa.gov>; Madigan, Andrea <Madigan.Andrea@epa.gov>

Subject: FW: Access

Attorney Client/Ex. 5

Attorney Client/Ex. 5

As you can probably guess, we would like to get this out as soon as possible, so if you can give us your thoughts by mid-afternoon tomorrow so we can get the email out tomorrow that would be much appreciated.

If you have any questions, please give me a call.

Thanks

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Phone: 303-312-6638
Fax: 303-312-6409
E-mail: sisk.richard@epa.gov

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From: David A. Cook [<mailto:lawbydave@gmail.com>]

Sent: Friday, November 13, 2015 12:49 PM

To: Sisk, Richard

Subject: RE: Access

Thanks for taking care of the date issue. I attach a signed copy of the requested consent. I believe each of the following conditions is understood and not controversial:

EPA to provide proof of Insurance coverage for Todd Hennis

Mr. Hennis is not responsible for pollution caused by EPA activities on the sites

Mr. Hennis is not responsible for the EPA having created a point source discharge on the sites

Mr. Hennis continues to have access to the buildings and stored equipment when needed

Any taxes on the improvements will be paid by the EPA

EPA is responsible for all snow removal and will be conducted in such a way as not to interfere with Mr. Hennis' access.

When the EPA leaves, Mr. Hennis retains the right to improvements

EPA must not dispose of sludge from two surge ponds (Anglo Saxon and Harisson) and/or from the filter bags on Herbert, onsite or at San Juan Corp's Gold King or Mogul mines.

David A. Cook
David A. Cook, P.C.
6 S Tejon St Ste 400
Colorado Springs, CO 80903
(719) 634-6736

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From: Sisk, Richard [<mailto:Sisk.Richard@epa.gov>]
Sent: Thursday, November 12, 2015 3:02 PM
To: David A. Cook
Cc: John Moscato (John.Moscato@usdoj.gov); Bohan, Suzanne; Madigan, Andrea; Land, Kelcey; Urdiales, Aaron; Rudy, Michael; McCaffrey, Shawn
Subject: RE: Access

Dave – Thank you for the call this afternoon. Based on our conversation, I have prepared and am enclosing a consent for access for the Herbert Placer, Harrison Millsite, and Anglo Saxon Claim that provides access through March 31, 2016. As you can see this follows the consent attached to my November 10, 2015 letter but with a March 31, 2016 termination date. If I have misunderstood what Mr. Hennis is willing to do concerning extending the consent for access through this date, please let me know.

I understand that your client would like to continue discussions on the path forward with EPA. I look forward to your letter that sets out your clients thoughts about future discussions and the path forward. I will forward your letter to EPA management for consideration and get back to you as soon as possible.

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Phone: 303-312-6638
Fax: 303-312-6409
E-mail: sisk.richard@epa.gov

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From: Sisk, Richard
Sent: Thursday, November 12, 2015 9:42 AM
To: 'David A. Cook'
Subject: RE: Access

Dave – Sorry, I wasn't working yesterday but I am today. Give me a call if you have time.

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Phone: 303-312-6638
Fax: 303-312-6409
E-mail: sisk.richard@epa.gov

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From: David A. Cook [<mailto:lawbydave@gmail.com>]
Sent: Wednesday, November 11, 2015 8:27 AM
To: Sisk, Richard
Subject: RE: Access

If your working today, please call me on my cell (719) 209-4227

David A. Cook
David A. Cook, P.C.
6 S Tejon St Ste 400
Colorado Springs, CO 80903
(719) 634-6736

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From: Sisk, Richard [<mailto:Sisk.Richard@epa.gov>]
Sent: Tuesday, November 10, 2015 3:13 PM
To: David A. Cook (lawbydave@gmail.com); mogull
Cc: Way, Steven
Subject: Access

Dave – Attached is a letter that is being mailed to you and to Todd this afternoon, acknowledging that Todd has agreed to provide continued access to the Gold King Mine and the Mogul-Grand Mogul Mine properties that he or one of the corporations own. I have attached a list as Exhibit A that shows these claims. This list was attached to the draft settlement agreement that you sent to me back in September. I deleted the Harrison Millsite, Anglo Saxon claim and the Herbert Placer from that list. I would also note that the list in Exhibit A includes the Hoffman claim associated with the Red and Bonita Mine.

The letter also renews EPA's request for Todd to extend the consent for access to the Harrison Millsite, Anglo Saxon claim and the Herbert Placer and indicates that EPA can't agree to a lease at \$10,000 per month.

Let me know if you have any questions.

Richard Sisk
Attorney
U.S. EPA Region 8
ENF-L
1595 Wynkoop
Denver, CO 80202-1129

Phone: 303-312-6638
Fax: 303-312-6409
E-mail: sisk.richard@epa.gov

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